

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Huet

For: Anti-Stick Device for Bent Injection Needle

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Examiner: Bouchelle

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Sir:

RESPONSE TO OFFICE ACTION AFTER FINAL REJECTION

This communication is responsive to the office action mailed December 4, 2008 in the above identified patent application.

REQUEST FOR RECONSIDERATION

Claims 1-8 are in the application.

Claims 1 and 3-8 stand rejected under 35 U.S.C. § 103(a) as obvious over Huet in view of MacGregor.

Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as obvious over Huet in view of MacGregor, and further in view of Knotek.

The rejections on art are, again, respectfully traversed. Reconsideration of the final rejection is requested for the following reasons.

Claim 1, the only independent claim in the application reads as follows.

1 (currently amended). An anti-stick device for safely maneuvering an injection needle through the skin for the purpose of feeding a chamber implanted under the skin, said needle being bent and having a perforating distal branch and a proximal feed branch which forms a bend with the perforating branch, said device comprising a needle-holding panel, a base panel, and a covering panel forming a wall, said panels allowing said wall to be brought into a configuration in which said needle-holding panel is folded down onto said base panel and in which said covering panel is folded down onto said needle-holding panel and fixed thereto, and to be brought into a configuration in which said needle-holding panel and said covering panel are fixed to one another and are spaced from said base panel and form, between themselves and said base panel, a space which is sufficient to contain said distal branch of said needle, said base panel and said needle-holding panel having respective holes which permit passage of said distal branch of said needle and which coincide when said panels are joined, whereby said distal branch can be introduced into said holes until said proximal branch of said needle rests on said needle-holding panel, said covering panel covering said proximal branch of said needle when said covering panel is folded down onto said needle-holding panel, said base panel (having a central zone surrounding said hole of said base panel and four lateral branches lying opposite one another in pairs and perpendicular to one another in pairs, said needle-holding panel comprising two lateral lugs which can be lifted to permit manual gripping of said device at the time of puncture and at the time of withdrawal of said needle, said base panel

comprising a first pair of opposite lateral branches having a curvature for facilitating application of said first pair of branches on the skin in line with said implanted chamber, and a second pair of opposite lateral branches of said base panel capable of being bent by two fingers of one hand in order to press said second pair of branches onto the skin and said chamber for holding said chamber in place when the operator withdraws said needle, said needle-holding panel and said covering panel being contiguous, respectively, with of said first pair of branches of said base panel and having a curvature which is the opposite of the curvature of said first pair of branches so as to match the curvature of said first pair of branches when they are folded down onto said base panel.

Huet, the most relevant prior art cited by the Examiner, describes an anti-stick device for bent injection according to the preamble of claim 1 of the invention.

The aim of the present invention is to improve over the known device of Huet in order to adapt it to maneuver an injection needle through the skin for the purpose of feeding a chamber implanted under the skin, and to facilitate the withdrawal of the needle while preventing the operator from being punctured and the chamber from being displaced. Toward that end, the specification adds the following features which are not disclosed by Huet, and which are recited in claim 1 as distinguishing limitations.

The base panel of the present invention is manufactured in such a shape that two opposite lateral branches of the panel have a curvature facilitating application of these branches to the skin in line with the implanted chamber. Claim 1 recites

said base panel comprising a first pair of opposite lateral branches having a curvature for facilitating application of said first pair of branches on the skin in line with said implanted chamber.

The two other opposite lateral branches of the panel are capable of being bent at will under the pressure exerted by two fingers of a hand in order to press these branches onto the skin and the chamber so as to hold the chamber in place when the operator withdraws the needle with his other hand. Claim 1 further recites

a second pair of opposite lateral branches of said base panel capable of being bent by two fingers of one hand in order to press said second pair of branches onto the skin and said chamber for holding said chamber in place when the operator withdraws said needle.

The needle-holding panel and the covering panel are contiguous, respectively, with one or other of the pre-curved branches of the base panel and have a curvature which is the opposite of the curvature of the pre-curved branches so as to match the curvature of the pre-curved branches when they are folded down onto the base panel. Claim 1 further recites

said covering panel being contiguous, respectively, with one of said first pair of branches of said base panel and having a curvature which is the opposite of the curvature of said first pair of branches so as to match the curvature of said first pair of branches when they are folded down onto said base panel.

Moreover, Huet's device is not intended to be used to maneuver a needle for the purpose of feeding a chamber implanted under the skin.

The above mentioned limitations of claim 1 provide for

1. easily and fittingly applying the device on the skin of the patient;

2. holding the chamber in place when the operator withdraws the needle with his hand;

3. facilitating the withdrawal of the needle from the chamber while preventing the operator from being punctured by the needle; and

4. inducing an elastic deformation of the needle during its withdrawal from the chamber so that, when it exits the opening, it automatically moves away from the opening and protects the operator.

MacGregor discloses a member for anchoring and relieving the strain on a flexible and percutaneous lead where the lead exits the body in order to avoid the possibility that the percutaneous lead might be removed after placement in the patient. On the contrary, the device of the present invention is intended, inter alia, to facilitate the exit of a needle, without displacing the underskin chamber.

MacGregor teaches keeping the lead/needle in place. This teaching is not applicable to the present invention as it would not solve the problems of the prior art. That is, one skilled in the

art would not look to MacGregor to facilitate the removal of a needle without displacing an underskin chamber. Merely contacting the patient's body to secure an inserted/insertable member is insufficient.

Contrary to the assertion of the Examiner, Huet does not teach a solution to the problem of firmly maintaining an underskin chamber in place during implantation and withdrawal of a needle. Withdrawing a needle from such a chamber is difficult in that the implanted chamber must be held in place during the extraction step without being subject to excessive pressure which could cause a part of its contents to be lost. Yet, nothing in Huet suggests or describes the ability of the disclosed device to be used in such a way. The flat shape of Huet's panels, as acknowledged by the Examiner, is particularly unsuitable for holding a protruding underskin chamber in place, and preventing excessive pressure on the chamber. The outwardly extending branches of Huet's device are for grasping the device, and not for holding the chamber in place.

Finally, nowhere in the cited art is there any mention or suggestion to use a base panel having pre-curved branches or contiguous panels having a curvature which is opposite to the curvature of the pre-curved branches so as to match the curvature of the pre-curved branches when they are folded down onto the base panel. MacGregor only discloses a flexible disc capable of being flexed to contact and conform to the shape of the patient's body.

From the foregoing it is seen that claim 1 is not obvious over Huet in view of MacGregor and is, therefore, patentable. Claims 2-8 depend from claim 1 and are also patentable for the reasons advanced with respect to claim 1.

Accordingly, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

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